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IN THE CIRCUIT COURT
7TH JUDICIAL CIRCUIT
JERSEY COUNTY, ILLINOIS

FILED

APR 30 2002

Charles Huebener
CLERK OF THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT JERSEY COUNTY ILL

JERSEY COUNTY, ILLINOIS
A Municipal Corporation, and
the JERSEY COUNTY EMERGENCY
TELEPHONE SYSTEMS BOARD,
A Municipal Entity,

Plaintiffs,

vs.

No. 02-CH-16

ILLINOIS BELL TELEPHONE COMPANY
(Also known as AMERITECH/SBC), CITIZENS
TELECOMMUNICATIONS COMPANY OF
ILLINOIS, VERIZON NORTH INC.
and GRAFTON TELEPHONE COMPANY

Defendants.

TEMPORARY RESTRAINING ORDER AND PERMANENT INJUNCTION

This cause was heard on Plaintiffs' Motion, with notice, for a Temporary Restraining Order and Permanent Injunction, all parties appearing in court by and through the respective attorneys. The court has examined the verified complaint and motion and has heard the arguments of counsel. The court now being fully advised in the premises finds as follows:

1. Immediate and irreparable injury will result to Plaintiffs and their citizens and residents unless a temporary restraining order and permanent injunction is issued, in that failure to provide direct data base access to the contents of the Defendants' 9-1-1 data base (referred to below as "Defendants' records") including those of published, non-published, and non-listed telephone numbers as needed to maintain, update, and verify the contents of the Defendants' records to Plaintiffs substantially impedes Plaintiffs' ability to quickly and efficiently provide emergency services to their citizens and residents which, in turn substantially increases the risk of injury or death to such citizens and residents.

2. Immediate and irreparable injury will result to Plaintiffs and their citizens and residents unless a temporary restraining order and permanent injunction is issued, in that failure to provide Plaintiffs with direct access to Defendants' records substantially impedes Plaintiffs' ability to reach and attain the legitimate law enforcement, firefighting, and emergency medical goals required by the Illinois General Assembly, thereby causing irreparable harm to Plaintiffs' law enforcement, firefighting, and emergency medical response programs and to their citizens and

enforcement, firefighting, and emergency medical response programs and to their citizens and residents.

3. That Defendants' determination not to supply "Defendants' records" to Plaintiffs was based partially or wholly upon the provisions of the Electronic Communication Privacy Act, 18 U.S.C. 2701 et seq.

4. That Plaintiffs have shown that "Defendants' records" are relevant to a legitimate law enforcement inquiry in accordance with the Electronic Communication Privacy Act, 18 U.S.C. 2703(d).

5. Access to "Defendants' records" is needed by Plaintiffs to efficiently and effectively operate their 9-1-1 system and to assist them in responding to all telephone calls to Plaintiffs for emergency assistance.

6. Disclosure of "Defendants' records" to Plaintiffs for the limited purpose of assisting them in responding to such emergency calls will serve a legitimate law enforcement purpose.

7. To assist Plaintiffs in responding to emergency calls, the Defendants will provide direct access to "Defendants' records" if certain conditions set forth below are met which are necessary to comply with applicable state and federal statutes, to protect the privacy of subscribers, to ensure that such access does not disrupt Defendants' telephone service, or place an unreasonable burden upon its services, and to protect it from liability arising from the Plaintiffs' access.

8. Access to "Defendants' records" for any purpose other than maintaining, updating, or verifying the contents of the "Defendants' records" is prohibited.

THEREFORE, IT IS HEREBY ORDERED pursuant to 18 U.S.C. 2703(d) that Plaintiffs shall have immediate direct access to "Defendants' records", including those with listed, non-listed, and non-published telephone numbers for the geographic areas served by Plaintiffs' 9-1-1 Emergency Telephone System under the following terms:

1. Access to "Defendants' records" shall be solely by authorized representatives of the Plaintiffs. Plaintiffs are responsible for advising any representative who has access to "Defendants' records" of the requirements of this Order and to obtain that representative's agreement in writing to comply with this Order.

2. Access to "Defendants' records" shall be for the sole purpose of maintaining, updating, or verifying the contents of the "Defendants' records" to assure that all customers are properly identified in the Plaintiff's 9-1-1 Emergency Telephone System so that 9-1-1 emergency calls for assistance result in a timely and accurate response of police, fire, rescue, emergency medical, and other emergency services.

3. The responsibility of Defendants is limited to the furnishing of the "Defendants' records."

DATED: 4-30-02

ENTER:

Amal G. Garg
JUDGE

IN THE CIRCUIT COURT
7TH JUDICIAL CIRCUIT
JERSEY COUNTY, ILLINOIS

JERSEY COUNTY, ILLINOIS
A Municipal Corporation, and
the JERSEY COUNTY EMERGENCY
TELEPHONE SYSTEMS BOARD,
A Municipal Entity,

Plaintiffs,

vs.

ILLINOIS BELL TELEPHONE COMPANY
(Also known as AMERITECH/SBC), CITIZENS
TELECOMMUNICATIONS COMPANY OF
ILLINOIS, VERIZON NORTH INC. (Also known
as VERIZON COMMUNICATIONS)
and GRAFTON TELEPHONE COMPANY

Defendants.

FILED

MAR 22 2002

CHARLES E. HUEBENER
CLERK OF THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT, JERSEY COUNTY, ILL.

No. 02-CH-16

MOTION FOR TEMPORARY RESTRAINING ORDER
AND PERMANENT INJUNCTION

NOW COMES Plaintiffs, JERSEY COUNTY, ILLINOIS, and the JERSEY COUNTY EMERGENCY TELEPHONE SYSTEMS BOARD, by and through their attorney, Kevin J. Tellor, Jersey County Assistant State's Attorney, and move this Court to grant a temporary restraining order, and permanent injunction, notice having been given to the Defendants, and without bond, pursuant to Illinois Revised Statutes, Chapter 110, Sections 11-101 and 11-103 (1989), restraining and enjoining the Defendants, ILLINOIS BELL TELEPHONE COMPANY (ALSO KNOWN AS AMERITECH/SBC), CITIZENS TELECOMMUNICATIONS COMPANY OF ILLINOIS, VERIZON NORTH INC. (ALSO KNOWN AS VERIZON COMMUNICATIONS) AND GRAFTON TELEPHONE COMPANY, their agents, and employees, from withholding from the Plaintiffs the ability to directly query the Defendant's 9-1-1 database, including that of customers whose telephone numbers and addresses are not published or not listed, in order to correct, maintain, and verify the 9-1-1 data base relative to such customers.

In support of this motion, a copy of the verified Complaint filed by Plaintiffs in the Circuit Court of Jersey County, Illinois, on 03.22.02 is attached. Service of process has been had upon the Defendant and the Complaint is hereby made a part of this Motion.

JERSEY COUNTY, ILLINOIS

By Kevin J. Teller
Kevin J. Teller,
Assistant State's Attorney

ATTORNEY FOR PLAINTIFFS
Jersey County Courthouse
201 West Pearl St.
Jerseyville IL 62052
618-498-5571 Ext. 147

IN THE CIRCUIT COURT
7TH JUDICIAL CIRCUIT
JERSEY COUNTY, ILLINOIS

FILED

MAR 22 2002

CHARLES E. HUEBENER
CLERK OF THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT JERSEY COUNTY, IL

JERSEY COUNTY, ILLINOIS
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Defendants.

No. 02-CH-16

COMPLAINT FOR INJUNCTIVE RELIEF

NOW COMES Plaintiffs, JERSEY COUNTY, ILLINOIS, and the JERSEY COUNTY EMERGENCY TELEPHONE SYSTEMS BOARD, by and through their attorney, Kevin J. Tellor, Jersey County Assistant State's Attorney, and state as follows:

1. Plaintiff, the COUNTY OF JERSEY, is a municipal corporation located in Illinois and is organized and exists under the Constitution and statutes of Illinois.

2. That the Plaintiff, the JERSEY COUNTY EMERGENCY TELEPHONE SYSTEMS BOARD, is a municipal entity, organized pursuant to Chapter 134, Para. 45.4.

3. Defendants are Illinois Corporations and are in the business of providing telecommunications services to citizens and residents of Jersey County, Illinois.

4. It is the duty of the Plaintiffs to protect and to provide for the safety and health of their citizens and residents and to provide, or cause to be provided, police, firefighting, emergency medical, and other emergency services.

5. The General Assembly of the State of Illinois passed an act entitled: the "Emergency Telephone System Act" (the "Act"), which became effective as of December 16, 1987 and was

amended August 20, 1991. By its terms, the Act stipulates that Jersey County "establish the number 9-1-1 as the primary emergency telephone number" and "develop and improve emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person calling the telephone 9-1-1 seeking police, fire, medical, rescue, and other emergency services."

6. The Illinois General Assembly in enacting the Act declared "Provision of a single, primary three-digit emergency number through which emergency services can be quickly and efficiently obtained would provide a significant contribution to law enforcement ... by making it less difficult to quickly notify public safety personnel." Ill. Rev. Stat., Ch. 134, §31 (1989).

7. A public agency is defined in the Act as "any unit of local government which provides firefighting, police, ambulance, medical, or other emergency services." Ill. Rev. Stat., Ch. 134, §32.01 (1989).

8. A sophisticated system is defined as "a basic system with the additional capability of automatic identification of the caller's number, holding the incoming call, reconnection on the same telephone line, clearing a telephone line, or automatic call routing or any other capability or features then available or combinations of such capabilities." Ill. Rev. Stat., Ch. 134, §32.08, (1989).

9. Jersey County is a governmental entity which supplies, or causes to be supplied, firefighting, police, ambulance, emergency medical, or other emergency medical services, and therefore, are public agencies under the aforesaid Act.

10. That the Jersey County Emergency Telephone Systems Board is a governmental entity and in fact was organized pursuant to the aforesaid Act.

11. Jersey County has chosen to comply with the declaration of the Illinois legislature by providing a sophisticated emergency telephone system which includes the capability of an immediate computer display of the address from which a call for help is being made at the instant the emergency number is dialed. The system is scheduled to go online in September of 2002.

12. In order for the Jersey County 9-1-1 Emergency Telephone System to operate as intended, it is imperative that the Defendants' maintained data bases consisting of the telephone number, address, and other information, of all the residents and businesses within the area served by the 9-1-1 Emergency Telephone System be as complete and accurate as possible.

13. The Plaintiff has had continuing discussions with the Defendants concerning updates, maintenance, and the quality of the information contained within the Defendants' data bases. The Plaintiff has submitted formal requests, including rationale, for direct access to the Defendants' data bases. Copies of the request were sent to all interested parties.

14. The Defendants' determination not to supply access to their records to Plaintiff is based partially or wholly upon the provisions of the Electronic Communication Privacy Act, 18 U.S.C. 2701 et seq.

15. If Jersey County and more specifically the Jersey County Emergency Telephone Systems Board is not provided with direct access to the Defendants' data bases, including entries for non-published and non-listed telephone numbers, as needed to update, maintain, and verify the 9-1-1 data base, they will be:

- a. unable to provide sophisticated emergency telephone service to all their residents and businesses;
- b. unable to comply with and fulfill the wishes of the Illinois General Assembly to quickly and efficiently provide emergency service to "any person calling the telephone number 9-1-1;"
- c. unable to reach and attain the legitimate law enforcement goals required by the Illinois General Assembly, creating the further result that Jersey County is in jeopardy of not meeting the goals set forth by the Act, causing irreparable harm to their law enforcement, firefighting and emergency medical response programs and to their citizens.

16. Federal law allows the release of records of customers' non-published and non-listed numbers, along with addresses to a governmental entity under a court order for disclosure where the governmental entity shows there is a reason to believe the records are relevant to a legitimate law enforcement inquiry. Electronic Communications Privacy Act, 18 U.S.C. 2703(d).

17. The safety and health of those citizens and residents of Jersey County, including those with non-published or non-listed telephone numbers, will be irreparably injured if the Defendants are not compelled to release the contents of their data bases, with records of customers' telephone numbers and addresses, including those with non-published or non-listed telephone numbers and addresses to Jersey County and Jersey County Emergency Telephone Systems Board.

18. For the reasons set forth above, Plaintiffs have no adequate remedy at law and unless mandatorily restrained by the order of this Court, the Defendants will continue to refuse to furnish Jersey County with direct access to the 9-1-1 data base with records of telephone customers, including those with non-published or non-listed numbers, to the irreparable injury and damage of Jersey County and its citizens and residents.

WHEREFORE, Plaintiffs respectfully pray:

A. That the Defendants be temporarily enjoined from withholding from Jersey County and Jersey County Emergency Telephone Systems Board its records within the 9-1-1 data base, including those with non-published or non-listed telephone numbers, as needed to maintain, update, and verify the contents of the 9-1-1 database, which is essential to the operation of the Jersey County 9-1-1 Emergency Telephone System

B. That a permanent injunction be issued mandatorily requiring the provision of such access by the Defendants to Jersey County and specifically the Jersey County Emergency Telephone Systems Board.

C. For any other relief as the Court deems equitable and proper.

JERSEY COUNTY, ILLINOIS

By Kevin J. Teller
Kevin J. Teller
Assistant State's Attorney

ATTORNEY FOR PLAINTIFFS
Jersey County Courthouse
201 West Pearl St.
Jerseyville IL 62052
(618) 498-5571 Ext. 147

I, Kevin J. Teller, Assistant State's Attorney, Jersey County, Illinois, having been duly sworn, state that I have read the foregoing petition and upon information and belief state that it is true and correct.

Kevin J. Teller
Kevin J. Teller